

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

## **OPINION, MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff Daniel Campbell commenced this 42 U.S.C. § 1983 civil action, complaining about conditions of confinement at the Mississippi County Detention Center. ECF No. 1. On February 6, 2023, the Court granted Plaintiff *in forma pauperis* status and ordered an initial partial filing fee payment of \$82.22. In that same Order, the Court directed Plaintiff to file a second amended complaint within thirty (30) days to cure pleading deficiencies. ECF No. 7. The Court cautioned Plaintiff that his failure to timely comply with the Order could result in the dismissal of the case without further notice. Plaintiff's response was due by March 8, 2023.

To date, Plaintiff has neither responded to the Court’s Order, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff’s failure to comply with the Court’s February 6, 2023, Order and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed “by the control necessarily vested

in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 22<sup>nd</sup> day of March, 2023.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE